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In re Application of  
Mikael Berner et al  
Application No. 09/769,665  
Filed: January 24, 2001  
Attorney Docket No. BVOCPO09

: **OFFICE OF PETITIONS**  
:  
: **DECISION GRANTING PETITION**  
: **UNDER 37 CFR 1.137(b)**  
:

This is a decision on the petition under 37 CFR 1.137(b), filed July 13, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the nonfinal Office action mailed March 20, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 21, 2003.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office action of March 20, 2003 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

The application file is being forwarded to Technology Center AU 2654 for appropriate action on the amendment filed July 13, 2004, the Information Disclosure Statement filed on July 19, 2004, and on the petition to correct inventorship under 37 CFR 1.48, filed on August 9, 2004.



Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy